



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 20, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, spoke against the proposed Home Depot project and asserted that St. Joachims' Local Committee is also against this project.

Al Reynolds, 2547 Erskine Lane, asked that more people turn out for the Hayward Veteran's Day Parade on November 11.

William Blundin, 1089 "D" Street, spoke regarding a condemned building, meetings conducted by the Building Abatement Appeals Board, and his concerns against the City of Hayward.

Hugh Logan, 1085 Via Corrolla, San Lorenzo resident, spoke against the proposed Home Depot and the traffic impacts caused by the delivery trucks, as well as safety concerns for the children who attend St. Joachim's.

Mayor Cooper responded by telling him that the Planning Commission would be hearing the item on July 29, and the Council will hear the item on September 14.

Holly Souza, 27950 Pueblo Springs, spoke against the negative weekly comments made by Jason Moreno.

CONSENT

Item 4 was removed for public input.

1. Approval of Minutes of the Meeting of the City Council of July 13, 1999.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to approve the Minutes of the Meeting of the City Council of July 13, 1999.

DRAFT

2. Authorization for the City Manager to Execute an Agreement for Professional Design Services for the Seismic Retrofit of the Highland 500 Reservoir Located in the Vicinity of Campus and Highland

Staff report submitted by Deputy Director of Public Works Ameri, dated July 20, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-134, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Carollo Engineers for Professional Services for the Seismic Retrofit of the Highland 500 Reservoir Project, Project No. 7147"

3. Resolution Authorizing Sale of a Small Piece of Surplus Property to Caltrans - Property Fronts Mission Boulevard, South of Industrial

Staff report submitted by Deputy Director of Public Works Bauman, dated July 20, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-135, "Resolution Authorizing Sale of Surplus Property Parcel No. 117 to the State of California"

4. Authorization to Submit Grant Application to Caltrans for Greyhound Bus Facility

Staff report submitted by Redevelopment Director Bartlett, dated July 20, 1999, was filed.

Ray Baker, business address, 770 A Street, commented on various concerns regarding the application submitted for federal funding. He suggested a public hearing should have been scheduled. He indicated that Mr. Hunter should have been notified of the application.

City Manager Armas explained that it has been known since the Lucky's application has been approved that the Greyhound Bus Facility would have to be relocated and it would be beneficial to locate the depot near the BART station and the taxi cab operation in the area. The funding agency will determine whether the application will be granted on its merits.

Council Member Hilson commented on the impacts of traffic in the area; it is already hectic in that area. He was also upset about the relocation of the antique streetcar. Moving Greyhound into that area will change the character of the area. The application restricts our funding. He



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 20, 1999, 8:00 p.m.

stated that he had significant concerns of the proposed re-location of the bus station.

City Manager Armas explained that circulation issues need to be considered and will be worked out at a future date. He added that staff will continue the search for a convenient location. He responded that the antique streetcar may be relocated on the BART property. There are issues that still need to be worked out with BART and the amount of funding may not be significant. The proximity to the Bart and intermodal transportation is important. It may be possible to consider other facilities that may be more appropriate.

Council Member Ward asked if there would be another public process if the funding is granted.

City Manager Armas responded that there will be several opportunities for public input in the future, since staff would have to come back to Council to accept the grant if it is presented.

Darrel Hunter, 2287 Cove Court, Discovery Bay, owner of the present site of the Greyhound Bus Facility, said he should have been notified on various matters regarding the Lucky's proposal and the effect on his property.

Mayor Cooper asked Mr. Hunter for further clarification and determined that Greyhound would need to look to their own business. City Manager Armas explained that as the property owner, Mr. Hunter would be compensated for his property; however, Greyhound, the tenant is leasing the property and is looking toward its own future operation.

City Attorney O'Toole responded to Council Member Rodriquez who asked about the legal notification and indicated that Mr. Baker's issue was in regard to noticing beyond the basic legal requirement which was met.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-136, "Resolution Approving a Grant Application for Funding Under the Federal Transit Administration Section 5311 (F) Intercity Bus Program for Construction and Relocation of the Greyhound Bus Facility"

5. Adoption of an Ordinance Related to General Plan Amendment and Zone Change 99-110-01 for Summerhill Homes - Property Located on Mediterranean Avenue

Staff report submitted by City Clerk Reyes, dated July 20, 1999, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Ordinance 99-12, "An Ordinance Amending Section 10-1.157 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located on Mediterranean Avenue Pursuant to Zone Change Application No. 99-110-01"

HEARINGS

6. Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Conduct a Public Hearing, Approve the Engineer's Report, and Order the Levy of Assessments for Fiscal Year 1999-00
(Continued from 7/6/99)

Staff report submitted by Development Review Engineer Anastas, for July 20, 1999, was filed.

As there were no requests to speak, Mayor Cooper opened/closed the public hearing at 8:56 p.m.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried by all present, to approve the following:

Resolution 99-137, "Resolution Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 1999-00 Fiscal Year, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit, Pacheco Way, Stratford Road, and Ruus Lane"

7. Appeal of Revocation of Use Permit No. 98-83 and Use Permit No. 91-75, Arthur D. & Beverly Bridges Trust and Vargas Enterprises, Inc. (Owners) - The site is located at 25751-25789 Dollar Street approximately 550 feet north of Harder Road, in a General Commercial (CG) Mission Corridor Special Design Overlay District (SD-2)

Staff report submitted by Associate Planner Camire, dated July 20, 1999, was filed.

Planning Manager Anderly made the staff report enumerating the various corrections which have been made and listed the current conditions that have not been made to date. There are several users at this site. Because Community Preservation was unable to achieve compliance, it was referred to the Planning Commission. In response to their hearing, the new property manager achieved many of the conditions by the end of the compliance period. However, many of the conditions have been violated since that meeting. At this point, the applicant has exhausted its remedies. If revoked, they cannot request a new use permit for one year unless the Planning



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 20, 1999, 8:00 p.m.

Director determines that there are changes in conditions that are considerable, unusual, or different to entertain a new use permit. She then responded to questions from Council.

Dennis Garrison, Arthur D. Bridges Family Trust, P.O. Box 1037, Alamo, co-trustee, said they were willing to look at any possible solution. He is willing to post the property to enforce the no-parking. He said part of their problem is enforcement.

Council Member Dowling, referred to a letter from the applicant's attorney and inquired about the \$165,000 Letter of Credit bond. Planning Manager Anderly discussed the bond that was submitted.

City Attorney O'Toole indicated that the bond was submitted for an estimate of the damage and deferred maintenance.

Council Member Ward asked about other revocations. Planning Manager Anderly indicated that she had been involved in two previous use permit revocations.

Council Member Ward said he assumed that the objective of the recommendation was to achieve compliance with conditions of approval. He said he worried that the owner might have shown what appears to be a good faith effort to adhere to the conditions of approval. With the revocation, the results might end in an undesirable situation for the City. Planning Manager Anderly described her observations of the property. Mr. Garrison also described his own observations from this past Sunday. Council Member Ward asked about the use of both the building and autos for sleeping as housing. Mr. Garrison said he would cite those who might be doing this if he could.

Council Member Jimenez asked whether there could be a real solution to this problem.

Mr. Garrison said he sent a letter to the tenants and the City a list of items that they cannot do. He indicated that it would be easier if the City would cite the tenants facilitating their eviction.

Police Chief Calhoun said that if the vehicles are on private property they cannot be towed. They have to be posted with certain criteria to be towed.

Mr. Garrison said it is not properly posted at this time but would be if they were given permission to do so.

Mayor Cooper opened the public hearing at 9:45 p.m.

Mr. Garrison then testified that he thought 60 days would be enough time to comply with the instructions from the City. He indicated that they had sent a letter to each of the tenants notifying them of any action they could not do. He also received a letter from the City and

inspected the property and thought they had met all of the conditions.

There was further discussion related to the conditions of the site that resulted in this hearing as well as defining inoperable vehicles.

Mohammad Mehdavi, 4357 Santee Road, Fremont, one of the tenants (Trust Auto) of the property, explained that some of the cars coming to their business were there for safety checks and may have been for out-of-state cars, inoperable cars, and auction vehicles. He indicated that when the police officer came, it was during business hours and there were 31 vehicles on the lot.

Mayor Cooper closed the public hearing at 9:47 p.m.

Council Member Jimenez exercised his Council prerogative to continue this hearing until the next meeting on July 27, requesting that appropriate staff be present to respond to pertinent issues.

Mayor Cooper said an inordinate amount of staff time has been spent on this issue; city vehicles cannot access the fire lane; that there are unregistered autos and false licenses. She said she would not support any additional time allowances. She would support Council Member Jimenez' Council prerogative.

LEGISLATIVE BUSINESS

7. Adoption of an Ordinance Related to General Plan Amendment and Zone Change 98-190-09 for Greystone Homes, Inc. - Property Located on Orchard Avenue

Staff report submitted by City Clerk Reyes, dated July 20, 1999, was filed.

City Clerk Reyes made the staff report.

There being no requests to speak, Mayor Cooper opened/closed the public hearing at 9:54 p.m.

Ordinance 99-13, "An Ordinance Amending Section 10-1.136 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located on Orchard Avenue Along the East Side of the Southern Pacific Railroad Right-of Way Pursuant to Zone Change Application No. 98-190-09"

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by the following roll call vote to (motion):

AYES: Council Members Jimenez, Hilson, Ward,
Dowling, Henson
MAYOR Cooper



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 20, 1999, 8:00 p.m.

NOES: Council Member Rodriquez
ABSENT: None
ABSTAINED: None

COUNCIL REPORT

There were no requests to speak.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:56 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward